

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUWLUS A. MUHAMMAD, }
Petitioner, }
v. } Civil Action No. 07-22 Erie
VENCENT KANNRINE, et al., }
Respondents. }

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on February 9, 2007. The case was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on May 29, 2008, recommended that the Defendants' Motion to Dismiss [26] be granted and that the portion of the petition for writ of habeas corpus challenging the legality of Petitioner's detention in Erie County Prison be dismissed as moot. On June 24, 2008, this Court, having received no objections to the Chief Magistrate Judge's Report and Recommendation and having conducted a *de novo* review of the matter, entered a Memorandum Order [38] adopting the Report and Recommendation and granting the Defendants' motion to dismiss.

Petitioner has filed a motion for reconsideration indicating that he never received a copy of the Chief Magistrate Judge's Report and Recommendation due to the fact that he was transferred to a new State Correctional Institution on June 1, 2008. In fact, the docket does reflect that, as of June 9, 2008, Petitioner filed with the Court a notice [37] of change of address to his present location at SCI Cresson.

Accordingly, this 2nd day of July, 2008, upon consideration of Petitioner's motion [39] for reconsideration and, it appearing that Petitioner did not receive a copy of the Chief Magistrate Judge's Report and Recommendation in a timely manner,

IT IS HEREBY ORDERED that Petitioner's motion is GRANTED and this Court's order of June 24, 2008 is VACATED. A copy of the May 29, 2008 Report and Recommendation is being enclosed with this order and is being sent to Petitioner via certified mail. Petitioner is hereby directed to file his objections, if any, to the Report and Recommendation on or before July 22, 2008.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge